

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

| | | |
|------------------------------|---|--------------------------|
| ALLAN R. YAUGER, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | Civil Action No. 09-177 |
| |) | Chief Judge Lancaster |
| THE DISTRICT ATTORNEY OF THE |) | Magistrate Judge Bissoon |
| COUNTY OF FAYETTE, et al., |) | |
| |) | |
| Respondents. |) | |

ORDER

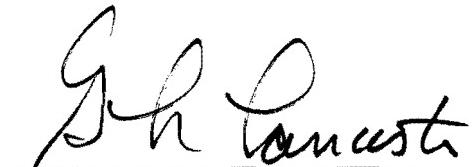
Allan Yauger filed the instant Petition for Writ of Habeas Corpus on February 12, 2009.

Yauger does not set forth any grounds for relief, and instead has written "I don't know" repeatedly on his Petition where his ground(s) for relief should appear. Petitioner has been directed to amend his Petition three times (Docs. 9, 12 and 15). Petitioner responded at one point that he does not have records of his state court criminal proceedings, and that he requires assistance in identifying his claims. Petitioner, however, had a counseled direct appeal in the state courts, as well as a counseled collateral appeal that concluded in 2008. Therefore, state court records were available to Petitioner and his counsel during those proceedings. Petitioner was directed to contact his former counsel to obtain those records, or to seek additional copies from the state courts (Doc. 15). Petitioner was expressly warned that failure to amend his Petition to include grounds for relief would result in his petition being dismissed (Doc. 15).

As Magistrate Judge Bissoon noted, habeas corpus is not a means for prisoners to "explore their case in search of its existence." Calderon v. U.S.D.C. (Nicolaus), 98 F.3d 1102, 1106 (9th Cir.1996) (quoting Aubut v. Maine, 431 F.2d 688, 689 (1st Cir.1970)). Petitioner has

repeatedly been directed to identify any grounds he believes entitle him to habeas relief. His repeated failure to do so requires the following order:

AND NOW, this 2nd day of October, 2009, IT IS HEREBY ORDERED that the instant Petition for Writ of Habeas Corpus is DISMISSED. The Clerk is directed to mark this case CLOSED.



Gary L. Lancaster
Chief United States District Judge

cc: ALLAN R. YAUGER # FN-9946
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